IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 14857 of 2004

Between:

Ch. Bhaskar, S/o. Venkat Narsaiah,A.P. State

Housing Corporation Limited, Chinthakani Mandal,

Khammam Division, Khammam District.

..... PETITIONER

AND

1 The District Collector/Executive Director, A.P. State

Housing Corporation Limited, Khammam Division,

Khammam District.
2 The District Manager, A.P. State Housing Corporation

Limited, Khammam Division, Khammam District.
3 The Mandal Revenue Officer, Bayyaram Mandal,

Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 1st respondent in issuing the impugned proceeding vide Rc.No.A5/1103/2004 dt.11-08-2004 by directing the 3rd respondent to recover a sum of Rs.53,500/- from the petitioner within a period of 3days, is highly illegal, arbitrary, contrary to CCA Rules and consequently declare unless the

respondents 1 & 2 follow the procedure laid down under CCA Rules, they cannot insist for payment of the amount as per the impugned proceedings dt.11-08-2004

Counsel for the Petitioner: MR.K.SATYANARYANA MURTHY

Counsel for the Respondent No.3: GP FOR HOUSING

Counsel for the Respondent Nos.1&2: MR.V.CH.NAIDU

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.14857 OF 2004

ORDER:

The petitioner is working as a Work Inspector under the respondents 1 and 2 Corporation. On the basis of a news item published in Eenadu daily dated 26-07-2004 regarding certain allegations made against the petitioner, the second respondent conducted a preliminary enquiry and opined that the beneficiaries did not give any amounts to the petitioner. Another preliminary enquiry was conducted by the Deputy Executive Engineer (Housing) and on the basis of the said report, the second respondent noticed that there is a prima-facie material to show that the petitioner received some amounts from the beneficiaries.

2. The contention of the petitioner is that on the basis of the preliminary enquiry report, the first respondent passed an order on 11-08-2004, directing the third respondent to recover Rs.53,500/- from the petitioner within three days. The petitioner further contends that immediately he made a representation to the first respondent, but no orders were passed on his representation. He approached this Court through this writ petition to declare that the order of the first respondent dated 11-08-2004 as illegal, arbitrary and contrary to CCA Rules.

3. The impugned order, passed by the first respondent, does not disclose whether any prior notice was issued to the petitioner giving him opportunity to explain, and whether any enquiry conducted as contemplated under Rule 22 of the CCA Rules.

4. Issuing notice directly directing the third respondent to recover the amount is not in accordance with the procedure prescribed under the CCA

Rules. The impugned order, dated 11-08-2004 issued by the first respondent, is therefore set aside. The first respondent is at liberty to pass appropriate orders against the petitioner after following the procedure prescribed under Rule 22 read with Rule 9 of CCA Rules, 1991, after giving sufficient opportunity to the petitioner.

5. The Writ Petition is accordingly allowed. No order as to costs.

Dr. G.YETHIRAJULU, J

20th August, 2004

SKM

Note:

Furnish C.C. by tomorrow.

B/o.

Skm

TO

1 The District Collector/Executive Director, A.P. State

Housing Corporation Limited, Khammam Division,

Khammam District.

2 The District Manager, A.P. State Housing Corporation

Limited, Khammam Division, Khammam District.

3 The Mandal Revenue Officer, Bayyaram Mandal,

Khammam District.

4 Two C.Cs. to G.P. for Housing, High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

5 Two C.D. Copies.